



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,001	10/12/2005	Fabio Perini	71665	9459
23872 7590 04/17/2008 MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				
EXAMINER				
ALIE, GHASSEM				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
04/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/524,001

**Applicant(s)**

PERINI, FABIO

**Examiner**

GHASSEM ALIE

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/28/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-6 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) 12-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1, 3-6 and 25-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Applicant's election with traverse of Invention I (claims 1, 3-6 and 25-26) in replay filed on 01/28/08 is acknowledged. The traversal is on the ground(s) that that the apparatus in claims 1, 3-6, and 25-26 does not have a separate utility from the apparatus in claims 12-17 and 18-27. This is incorrect. As clearly stated in the pervious Office Action, each invention has a separate utility with could be used without the specific feature in the remaining inventions. Applicant's argument that a single search can be performed to consider all aspect of the invention is not persuasive. As stated in previous Office Action, each Invention has a different classification, a separate status in the art, and a different field of search. Therefore, there is a serious burden on the Examiner to examine all distinct individual inventions in Groups I-III together. The search for each individual invention in Groups I-III may overlap but do not coincide identically throughout.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 12-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

***Drawings***

3. The drawings are objected to because the drawing do not have sheet numbers placed in the middle of the top margin of the drawing sheets.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it is replete with legal phraseology often used in patent claims, such as "means," "comprises" "characterized in that." Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities: in paragraphs 22 and 30, line ; "rewinder ®" should be --rewinder R--. It should be noted that rewinder ® is not shown in the drawing. It also may introduce new matter to the disclosure.

In addition, the abstract in the marked up copy of the amended specification is not the same as the abstract provided in a clean copy. Appropriate correction is required.

#### Claim Objections

7. Claims 3-4 are objected to because of the following informalities: "log retaining means" should be --roll retaining means--. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1, 3-6 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambaro et al. (2002/0121170), hereinafter Gambaro, in view of Nystrand (3,905,260), and in further view of Friden (2,047,021). Regarding claim 1, Gambaro teaches an apparatus

for producing small rolls 22. Gambaro also teaches a store 12 for storing rolls 20 and supplying the rolls 20 to a cutting-off machine 8 for subdividing the rolls 20 into a plurality of small rolls 22. Gambaro also teaches that the rolls could be pipe or tube, a wound rolls and etc. See Figs. 1-7 and paragraphs 4-50.

Gambaro does not explicitly teach a rewinding machine for producing elongated paper rolls; a trimming device for trimming each roll produced by the rewinding machine; and the store 12 is a trimmed roll store element that stores the trimmed roll receiving the trimmed rolls from the trimming device. However, the use of rewinding machine for producing elongated rolls are well known in the art such as taught by Nystrand. Nystrand teaches a rewinding machine to produce rolls that is supplied to a severing machine or cutting machine 28. See Fig. 2 in Nystrand. It would have been obvious to a person of ordinary skill in the art to provide a rewinding machine for Gambaro's apparatus in order to produce elongated rolls and supply them to the cutting station in the same apparatus.

Gambaro, in view of Nystrand, also does not explicitly teach a trimming device for trimming each roll produced by the rewinding machine; and the store 12 is a trimmed roll store element that stores the trimmed roll receiving the trimmed rolls from the trimming device. However, the use of trimmer to trim the ends of the rolls is well known in the art such as taught by Friden. Friden teaches logs 9 supplied to a trimming machine 50, 51 for trimming the ends of the rolls. See Figs. 1-3 in Friden. Therefore, it would have been obvious to a person of ordinary skill in the art to provide Gambaro's apparatus, as modified by Nystrand, with a trimming machine, as taught by Friden, in order to trim the end of the rolls and eliminate uneven or rough end edges of the rolls prior to the step of subdividing

the rolls into plurality of rolls. It should be noted that the store 12 could store the trimmed rolls. In fact, the rolls stored in the store element 12 in Gambaro are one way or other are trimmed rolls. In other words, the trimmed rolls could be positioned at the starting point of the cutting apparatus in Gambaro. It should be noted that claim calls for a series of machines placed on a floor of a factory. Examiner's position is that it is old and well known in the art to place a multiple machines in series on the floor of a factory to create a process for manufacturing a product.

Regarding claims 3-6, Gambaro as modified by Friden, teaches everything noted above including an entry section for entry for the rolls to be trimmed and an exit section for the exit of the rolls to be trimmed. See Fig. 3 in Friden. Friden also teaches a station with cutting means 50, 51 for trimming the rolls and a roll moving means 17 for moving the rolls 9 between the entry section, the cutting station 50, 51 and the exit section. Friden also teaches a roll retaining means 22 associated with the roll moving means 17 for retaining the rolls 9 when subjected to the movement. Friden also teaches that the rolls retaining means 22 are grippers. Friden also teaches that the grippers 22 are associated with the roll moving means 17 for moving the rolls. It should be noted that the grippers could be defined by the belt 30 that is associated with means 22, which could be defined as means for moving the rolls. The belt 30 is considered to be a plurality of grippers that are connected together. Friden also teaches means 6 for transferring the rolls from the entry section to the moving means 12 for moving the rolls. Friden also teaches that the means 6 for transferring the rolls 9 being disposed between the section for entry and the means 12 for moving the rolls 9. Friden also teaches that the means for transferring the rolls 9 includes a body 11 mounted on

a shaft parallel to the rolls which enter the entry section and the body having a plurality of seats. It should be noted that the screws that mount the body 6 to the plate 8 is considered to be a shaft and the plurality of seats are defined by the steps formed in the body 11. See Fig. 3 in Friden.

Regarding claims 25-26, Gambaro, as modified above, teaches everything noted above including that the trimming device is located upstream of the trimmed log store element, and the cutting-off machine is located downstream of the trimmed log store, the cutting-off being located downstream of the trimming device.

10. Claims 1 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystrand (3,905,260) in view of Friden (2,047,021). Regarding claim 1, Nystrand teaches an apparatus for producing small paper rolls. Nystrand also teaches a store 24, 25 for storing rolls or trimmed rolls, and a cutting-off machine 28. Nystrand also that the store supplies the rolls or trimmed rolls to the cutting-off machine 28 and the cutting-off subdivides the rolls or trimmed rolls into a plurality of small rolls. See Figs. 1-2 in Nystrand. Nystrand does not teach that a trimming device trims the rolls prior to be the device 24, 25. However, the use of trimmer to trim the ends of the rolls is well known in the art such as taught by Friden. Friden teaches logs 9 supplied to a trimming machine 50, 51 for trimming the ends of the rolls. See Figs. 1-3 in Friden. Therefore, it would have been obvious to a person of ordinary skill in the art to provide Nystrand's apparatus with a trimming machine, as taught by Friden, in order to trim the end of the rolls and eliminate uneven or rough end edges of the rolls.



Regarding claims 25-26, Nystrand, as modified above, teaches everything noted above including that the trimming device is located upstream of the trimmed log store element, and the cutting-off machine is located downstream of the trimmed log store, the cutting-off being located downstream of the trimming device.

***Response to Amendment***

11. Applicant's arguments that Nystrand does not provide any suggestion for a cutting-off machine that receives already trimmed paper logs from a trimmed paper log storing unit is not persuasive. It should be noted that the Nystrand teaches that the use of rewinding machine for rewinding a large roll of material to a smaller rolls of material or the rolls of material with smaller thickness is well known in the art. Therefore, the rolls of the material could be fed from a rewinder to the store element in Gambaro. In addition, Friden teaches that the use of end trimmer for trimming the end of rolls is well known in the art. In this case, the end of the rolls which are produced by the rewinding machine could be trimmed by Friden's apparatus and then placed on the store element in Gambaro. Therefore, Gambaro in combination with Friden teaches that cutting-off machine receives already trimmed rolls from a trimmed log storing unit. It should be noted that the store element 12 could store the trimmed rolls. In other words, the trimmed rolls could be positioned at the starting point of the cutting apparatus in Gambaro. In fact, the rolls stored in the store element 12 in Gambaro are one way or other are trimmed rolls. It should be noted that claim calls for a series of machines placed on a floor of a factory. Examiner's position is that it is old and well known in the art to place a multiple machines in series on the floor of a factory to create a process for manufacturing a product.

Applicant's argument that the references as a whole do not teach and do not suggest the combination of two separate cutting machines wherein the trimmed logs from one cutting machine is supplied to the other cutting machine by a trimmed log storing unit is not persuasive. However, the references teach the two separate cutting machines and a store element that is capable of supplying the trimmed rolled from one cutting machine to another cutting machine.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Herman (3,524,539) and Mosen (3,016,780) teach an apparatus for producing small rolls.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3724

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA

April 10, 2008

/Ghassem Alie/  
Primary Examiner, Art Unit 3724